CLERK US DISTRICT COURT. NORTHERN DIST. OF TX

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. 2010 FEB 17 PM 5: 35

AMARILLO DIVISION

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	DEPUTY CLERK DEPUTY CLERK
DAVID ALLEN TOVAR, PRO SE, also known as DAVID TOVAR, TDCJ-CID No. 1122916,	§ § §
Plaintiff,	§ § §
V.	§ 2:10-CV-0021
	§
TEXAS BOARD OF PARDONS	§
AND PAROLE,	§
Defendant.	\$. \$

ORDER OF DISMISSAL

Plaintiff DAVID ALLEN TOVAR, acting pro se and while a prisoner confined in the Baten Intermediate Sanction Facility, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendant and was granted permission to proceed in forma pauperis.

On January 27, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending the instant cause be dismissed with prejudice to being asserted again until the Heck conditions are met.

The period for objections has expired, and plaintiff has failed to file objections to the January 27, 2010, Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that Case 2:10-cv-00021-J-BB Document 8 Filed 02/17/10 Page 2 of 2 PageID 21

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this _____ day of February, 2010.

MARY'LOUKOBINSON

UNITED STATES DISTRICT JUDGE